

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHARIDAN STILES,

Plaintiff,

v.

PROCTOR & GAMBLE COMPANY,

Defendant.

No. 2:23-cv-0474 DAD AC PS

FINDINGS AND RECOMMENDATIONS

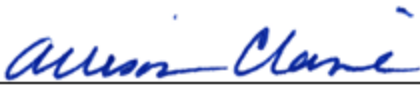
Plaintiff is proceeding in this case in pro se. On October 23, 2023, plaintiff was notified that she had not properly served defendant in compliance with Federal Rule of Civil Procedure 4. ECF No. 21 at 1. Plaintiff was given an opportunity to properly complete service within 60 days. ECF No. 21 at 2. On December 7, 2023, shortly before the 60 day period was up, this case was related to other pending cases in this district. ECF No. 24. The 60 day period passed without plaintiff filing a proof of service. Then, on April 12, 2024, this case was stayed pending the resolution of a related case. ECF No. 29. The stay was lifted on November 17, 2025. ECF No. 31. Defendant confirmed that as of December 8, 2025, it has not been properly served. ECF No. 32. On December 11, 2025, plaintiff was ordered to show cause, in writing, within 14 days, why her failure to submit service documents should not result in a recommendation that this case be dismissed for failure to prosecute. ECF No. 34. Plaintiff did not respond.

In recommending this action be dismissed for failure to prosecute, the court has

1 considered “(1) the public's interest in expeditious resolution of litigation; (2) the court's need to
2 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
3 disposition of cases on their merits; and (5) the availability of less drastic alternatives.” Ferdik v.
4 Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation omitted). Because this case cannot
5 move forward without plaintiff’s participation and completion of proper service upon defendant,
6 the court finds the factors weigh in favor of dismissal. Therefore, IT IS HEREBY
7 RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and
8 for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
11 (21) days after being served with these findings and recommendations, plaintiff may file written
12 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
13 Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file
14 objections within the specified time may waive the right to appeal the District Court’s order.
15 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 DATED: January 6, 2026

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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